

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCISCO MERINO,

Plaintiff,

v.

VIVIAN VUONG,

Defendant.

No. 2:21-CV-0826-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983.

On June 23, 2021, the Court dismissed Plaintiff's complaint with leave to amend. See ECF No. 15. On July 29, 2021, Plaintiff filed a motion for an extension of time to file a first amended complaint. See ECF No. 18. On August 2, 2021, Plaintiff filed his first amended complaint. See ECF No. 18. On August 13, 2021, the Court granted Plaintiff's motion for an extension of time and deemed Plaintiff's first amended complaint timely filed. See ECF No. 19. On August 25, 2021, Plaintiff filed a document seeking to add "important facts" omitted from his first amended complaint. See ECF No. 20.

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1 Plaintiff shall be granted leave to amend to file a complete amended complaint
2 with all the information Plaintiff deems necessary for the Court to consider. Plaintiff is again
3 informed that an amended complaint supersedes any prior complaints. See Ferdik v. Bonzelet,
4 963 F.2d 1258, 1262 (9th Cir. 1992). This means that if Plaintiff amends a complaint, the Court
5 cannot refer to an earlier pleading in order to make Plaintiff's amended complaint complete. See
6 Local Rule 220. An amended complaint must be complete in itself without reference to any prior
7 pleading. See id.

8 If Plaintiff chooses to amend the complaint, Plaintiff must demonstrate how the
9 conditions complained of have resulted in a deprivation of Plaintiff's constitutional rights. See
10 Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980). The complaint must allege in specific terms how
11 each named defendant is involved and must set forth some affirmative link or connection between
12 each defendant's actions and the claimed deprivation. See May v. Enomoto, 633 F.2d 164, 167
13 (9th Cir. 1980); Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978).

14 If no amended complaint is filed within the time allowed therefor, the Court will
15 only look to Plaintiff's first amended complaint, ECF No. 18, and to it alone. The Court cannot
16 look to Plaintiff's August 25, 2021, filing or any other pleading to make the first amended
17 complaint already on file complete.

18 Accordingly, IT IS HEREBY ORDERED that Plaintiff may file a complete second
19 amended complaint within 30 days of the date of service of this order.

20 IT IS SO ORDERED.

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22 Dated: October 13, 2021



23 DENNIS M. COTA
24 UNITED STATES MAGISTRATE JUDGE
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